



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2012-08

LEGISTAR #: 20120901

LANDOWNERS: 591 Colonial Circle LLC
Russell Mullins, Registered Agent
4600 Post Oak Tritt Road
Marietta, GA 30062

APPLICANT: Same as above

PROPERTY ADDRESS: 591 Colonial Circle

PARCEL DESCRIPTION: Land Lot 12870, District 16, Parcel 0560

AREA: 0.219 acs. **COUNCIL WARD:** 1

EXISTING ZONING: LRO (Low Rise Office)

REQUEST: LRO (Low Rise Office) with an additional use - residential.

FUTURE LAND USE MAP

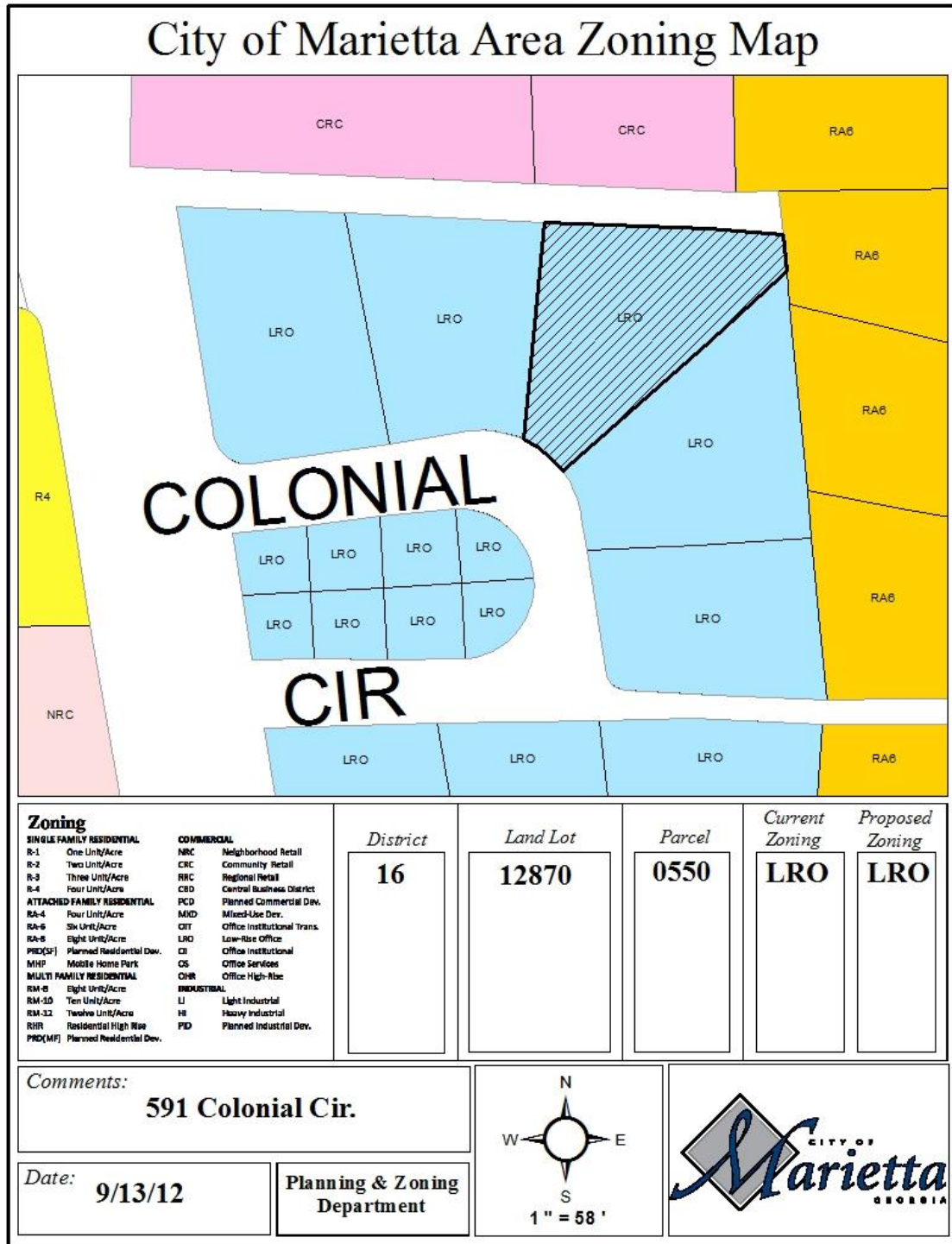
RECOMMENDATION: CAC (Community Activity Center)

REASON FOR REQUEST: The applicant is requesting the rezoning of this property from LRO to LRO with an additional use so the property may be used as a multi-family residence.

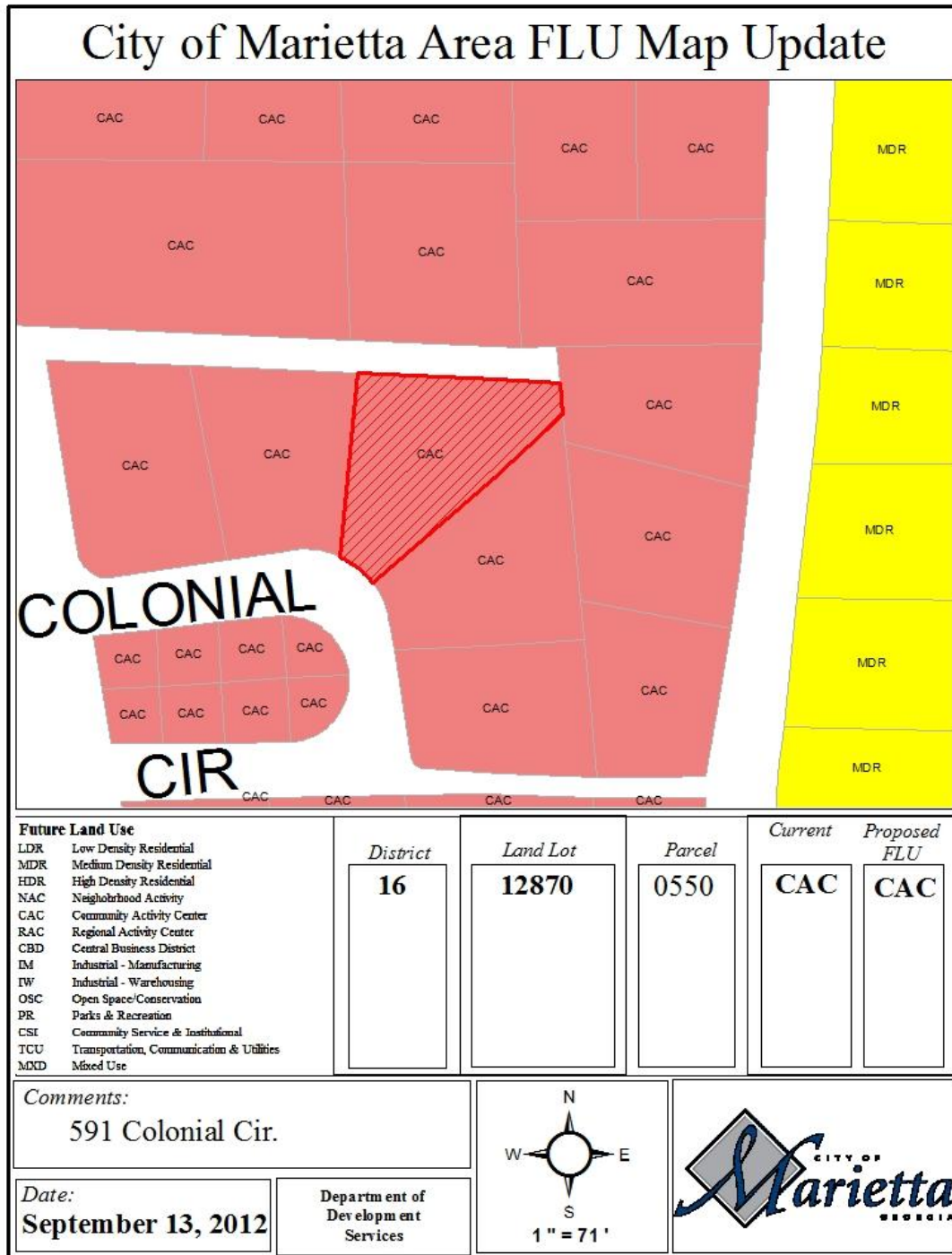
PLANNING COMMISSION HEARING: Tuesday, October 2, 2012 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, October 10, 2012 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



Subject Property



View of Subject property from Fairground Street

STAFF ANALYSIS

Location Compatibility

Russell Mullins, registered agent for 591 Colonial Circle LLC, is requesting that the property located at 591 Colonial Circle be rezoned from LRO (Low Rise Office) to LRO with an additional use so the property may be reestablished as a multi-family residence. The property contains a multi-family residential structure (quadraplex) that has, until June 2010, been continuously used as a 4-unit multi-family residence. This property is one of eight (8) buildings located on Colonial Circle that were built in the 1940's and have always been used as multi-family residences, but are zoned LRO. Properties to the north of the property are zoned CRC (Community Retail Commercial). Properties to the south of the property are zoned LRO (Low Rise Office) and OI (Office Institutional). Duplexes, zoned RA-6, (Single Family Residential – Detached), lie to the east/rear of the subject property. Across Fairground Street to the west are properties zoned R-4 (Single Family Residential – 4 units/acre), NRC (Neighborhood Retail Commercial) and OI (Office Institutional).

Use Potential and Impacts

According to the property owner, the Plantation Oaks Apartment complex was originally developed in the 1940's, and was comprised of eight 4-unit apartment buildings – for a total of 32 units on the approximately 2.5 acre site; resulting in a density of 12.8 units/acre. Currently, each building is on a separate lot and each is individually owned.

The property has been zoned OI, Office Institutional, since the 1970's and in 1998 was rezoned to LRO as part of the city-wide zoning ordinance update. However, there is no record to indicate that it has ever been used as an office building. Further, the property has been subdivided such that each building is now individually owned. The building on the subject property was most recently being used as 4-unit multi-family residential apartment building until the tenants vacated the property in June 2010. While the property owner was attempting to secure funds for building repairs, more than six (6) months elapsed. Under Section 706.02 regarding Nonconforming Uses, the building could not be reestablished as a multi-family residence without zoning action. As a result of this situation, the applicant would like to rezone the property in order to reestablish the multi-family residential residences - just like the other seven (7) buildings on Colonial Circle - while keeping the LRO zoning intact.

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan, is Community Activity Center (CAC). The purpose of a Community Activity Center is to provide for areas that can meet the retail and service needs of several neighborhoods and communities. These are typically areas that provide a wide range of goods and services, including businesses and professional offices. LRO zoning is compatible with the NAC Future Land Use; however, multi-family residential use would not be considered compatible with this FLU.

Environmental Impacts

No changes are proposed to the site, so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

It is likely that the site is not in complete conformance with the Tree Protection and Landscaping ordinance (§712.08), as it does not have the necessary street trees. As a result, a variance would be required to allow the trees currently on the site to satisfy the requirements of the tree ordinance until the site is redeveloped or converted to commercial use:

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.

Economic Functionality

Despite being zoned LRO, the property has been used as a 4-unit multi-family residential apartment building since the 1940's. This would indicate that the property is not appropriately zoned. However, recent economic conditions have subdued the demand for professional offices, while there continues to be a need for affordable residential properties. It is likely that, in a stronger market, this property would have a reasonable economic use under the current LRO zoning; but given current economic conditions, that may not occur soon.

Infrastructure

According to the survey, it appears that the parking spaces that are available for this quadraplex are located within the right of way of Colonial Drive. Also, parking may be inadequate for either multi-family or office uses. In addition, providing any new parking spaces in order to comply with current regulations – either for multi-family or for an office – would be difficult because of existing development conditions. Parking in the rear yard does not appear to be an option because Section 716.08 (C)(5) requires interior driveways to be at least 20' wide in order to accommodate two-way traffic; and the building is only set back approximately 10 ft. from the side lot line.

Parking for residential use is based on the number of units and commercial parking requirements are based on the square footage of the proposed use. According to TABLE J., Minimum Off Street Parking Required, four (4) multi-family residential units would require 7 parking spaces; while a 2,800 s.f. office building would require 8 spaces. Only 5 parking spaces are located in front of this property (shown in the picture of the subject property above), so in order to approve the rezoning under current conditions, a variance to allow the existing parking configuration within the right of way of Colonial Circle may be necessary.

History of Property

There is no history of any variances, Special Land Use Permits, or past rezonings for this property, with exception of the city-wide zoning ordinance update in 1998.

Other Issues

Because the property and structure was originally built to be used as a residence, there are many aspects of the site that do not comply with the LRO zoning standards. As a result, the following variances would be necessary in order to make the site conform:

- Variance to reduce the minimum lot area from 15,00 s.f. to 9,539 s.f. §708.22 (H)
- Variance to reduce the left (west) side setback from 15' to 10.4' in order to accommodate the existing building. §708.15 (H)
- Variance to reduce the right (east) side setback from 15' to 9.3' in order to accommodate the existing building. §708.15 (H)
- Variance to reduce the rear yard setback from 30' to 20' in order to accommodate the existing building. §708.15 (H)

Should the property be rezoned as requested and the applicant wish to eventually use the property as a commercial business, the applicant would need to work with all City Departments in order to ensure that the building is brought up to commercial code.

The City has received a handful of similar rezoning requests in the past few years. In December 2010, City Council rezoned a property at 1051 South Marietta Parkway from CRC to R-4 after the applicant made an original request to rezone from CRC to CRC with an additional use for residential (Z2010-13). After receiving and denying a request (Z2011-03) to rezone a parcel from CRC to CRC with an additional use for residential, City Council rezoned a single family home at 712 Lawrence Street in October 2011 per Z2011-14 from CRC to R-4.

ANALYSIS & CONCLUSION

Russell Mullins, registered agent for 591 Colonial Circle LLC, is requesting rezoning of the property located at 591 Colonial Circle from LRO (Low Rise Office) to LRO with an additional use, so the property may be reestablished as a 4-unit multi-family residence. The property contains a multi-family residential structure that has, until June 2010, been continuously used as a quadraplex (4-unit multi-family residence); and is one of eight (8) buildings located on Colonial Circle that were built in the 1940's. The applicant would like to rezone the property in order to reestablish the multi-family residential use - just like the other seven (7) buildings on Colonial Circle - while keeping the LRO zoning intact.

The property has been zoned OI, Office Institutional, since the 1970's; and in 1998 was rezoned to LRO as part of the city-wide zoning ordinance update. However, there is no record to indicate that it has ever been used as an office building. Further, the development has been subdivided such that each building is now on an individually owned parcel. The building was most recently being used as quadraplex until the tenants vacated the property in June 2010. While the property owner was attempting to secure funds to repair the building, more than six (6) months elapsed. Under Section 706.02 regarding Nonconforming Uses, the building could not be reestablished as a multi-family residence without zoning action.

Because the property and structure was originally built to be used as a residence, and under different zoning regulations, there are many aspects of the site that do not comply with the LRO zoning standards. The following variances would be necessary in order to develop the site:

- Variance to reduce the minimum lot area from 15,00 s.f. to 9,539 s.f. §708.22 (H)
- Variance to reduce the left (west) side setback from 15' to 10' in order to accommodate the existing building. §708.15 (H)
- Variance to reduce the right (east) side setback from 15' to 9.3' in order to accommodate the existing building. §708.15 (H)
- Variance to reduce the rear yard setback from 30' to 20' in order to accommodate the existing building. §708.15 (H)
- Variance to reduce the required number of parking spaces from 8 to 5; and to allow the existing parking configuration within the right of way of Colonial Circle. §716.07 (Table J)
- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.

Staff suggests that any variances that are approved should be for the current developed property only, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan, is Community Activity Center (CAC). LRO zoning is compatible with the NAC Future Land Use; however, multi-family residential use would not be considered compatible with this FLU.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

| | |
|--|--------------|
| Is a water line adjacent to the property? | Yes |
| If not, how far is the closest water line? | n/a |
| Size of the water line? | 8-inch |
| Capacity of the water line? | n/a |
| Approximate water usage by proposed use? | Not required |

CITY OF MARIETTA - SEWER

| | |
|--|---|
| Is a sewer line adjacent to the property? | No |
| If not, how far is the closest sewer line? | 1,200 feet |
| Size of the sewer line? | 6-inch |
| Capacity of the sewer line? | n/a |
| Estimated waste generated by proposed development? | A.D.F Peak Not provided |
| Treatment Plant Name? | Cobb County |
| Treatment Plant Capacity? | Cobb County |
| Future Plant Availability? | Cobb County |

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

| | |
|--|------------------|
| Does flood plain exist on the property? | NO |
| What percentage of the property is in a floodplain? | --- |
| What is the drainage basin for the property? | Rottenwood Creek |
| Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency? | NO |
| If so, is the use compatible with the possible presence of wetlands? | --- |
| Do stream bank buffers exist on the parcel? | NO |
| Are there other topographical concerns on the parcel? | NO |
| Are there storm water issues related to the application? | NO |
| Potential presence of endangered species in the area? | NO |

Transportation

| | |
|---|--|
| What is the road affected by the proposed change? | Colonial Circle South Fairground Street |
| What is the classification of the road? | Colonial Circle: Local South Fairground Street: Collector |
| What is the traffic count for the road? | 15,000 AADT – 2 way |
| Estimated number of cars generated by the proposed development? ** | Insufficient Data provided |
| Estimated number of trips generated by the proposed development? ** | Insufficient Data provided |
| Do sidewalks exist in the area? | YES |
| Transportation improvements in the area? | YES |
| If yes, what are they? | Fairground Street -- ongoing |



EMERGENCY SERVICES

| | |
|--|---------------------|
| Nearest city or county fire station from the development? | Marietta Station 52 |
| Distance of the nearest station? | 1.1 mile |
| Most likely station for 1 st response? | Marietta Station 52 |
| Service burdens at the nearest city fire station (under, at, or above capacity)? | None |



DATA APPENDIX CONTINUED

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development: Park Street Elementary

Middle School Servicing Development: Marietta Middle School

High School Servicing Development: Marietta High School

Capacity at Elementary School: 550-650

Capacity at Marietta Middle School: 1300-1400

Capacity at Marietta High School: 2500-2600

Current Enrollment at Elementary School: 574

Current Enrollment at Middle School: 1180

Current Enrollment at High School: 2052

Number of students generated by present development: 0

Number of students projected from proposed development: 0-8 (maximum) Four 2-bedroom apartments

New School(s) planned that might serve this area: None

Comments: